

IRELL & MANELLA LLP  
Morgan Chu (SBN 70446)  
Benjamin W. Hattenbach (SBN 186455)  
Michael D. Harbour (SBN 298185)  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199  
Email: mchu@irell.com  
Email: bhattenbach@irell.com  
Email: mharbour@irell.com

A. Matthew Ashley (SBN 198235)  
Olivia L. Weber (SBN 319918)  
840 Newport Center Drive, Suite 400  
Newport Beach, California 92660-6324  
Telephone: (949) 760-0991  
Facsimile: (949) 760-5200  
Email: mashley@irell.com  
Email: oweber@irell.com

*Counsel for Defendants*

FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC,  
VLSI TECHNOLOGY LLC

Additional counsel listed on signature page

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC, UNILOC  
2017 LLC, UNILOC USA, INC., UNILOC  
LUXEMBOURG S.A.R.L., VLSI  
TECHNOLOGY LLC, INVT SPE LLC,  
INVENTERGY GLOBAL, INC., IXI IP, LLC,  
and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-EMC

**DEFENDANTS' L.R. 7-3 STATEMENT OF  
RECENT DECISION IN SUPPORT OF  
JOINT MOTION TO DISMISS AND TO  
STRIKE THE AMENDED COMPLAINT**

Hon. Edward M. Chen

Date: December 17, 2020  
Time: 1:30 p.m.  
Dept.: Courtroom 5

Pursuant to Civil Local Rule 7-3(d)(2), and in connection with Defendants’ Joint Motion to Dismiss and to Strike the Amended Complaint (Dkt. 203), Defendants hereby inform the Court of supplemental authority granting Apple Inc.’s motion to dismiss antitrust claims brought against it. *See Blix Inc. v. Apple, Inc.*, CV 19-1869-LPS, 2020 WL 7027494, at \*1 (D. Del. Nov. 30, 2020) (“Exhibit 1”). The relevant portion addresses deficiencies in allegations of “direct evidence” of supracompetitive prices and restricted output. *See* Ex. 1 at \*6 (“While Blix’s Complaint asserts several times that Apple charges ‘supracompetitive prices,’ it does not plead any facts to support this assertion. . . Further . . . allegations that Apple has the **power** to restrict output are not equivalent to allegations that Apple **actually restricted** output. Blix does not identify any additional facts in its Complaint that support an allegation that Apple restricted output.”) (emphasis in original) (granting dismissal); *see also* Apple’s Reply Brief in Support of its Motion to Dismiss, *Blix Inc. v. Apple, Inc.*, C.A. No. 19-1869-LPS (D. Del. Nov. 30, 2020), Dkt. 22 at 7 (“To start with, Blix pleads nothing but conclusions and generalities about pricing. Blix states that ‘Apple prices its devices and default apps supracompetitively,’ [cite] but this bald assertion is unsupported by any facts about email client app prices . . . As already noted, Blix does not plead facts—much less direct evidence—showing that Apple’s app review has either raised prices or restricted market output.”).

Dated: December 7, 2020

Respectfully submitted,

IRELL & MANELLA LLP

By: /s/ A. Matthew Ashley

A. Matthew Ashley  
Counsel for Defendants  
FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC,  
VLSI TECHNOLOGY LLC

/s/ Christopher A. Seidl

Christopher A. Seidl (*pro hac vice*)  
CSeidl@RobinsKaplan.com  
ROBINS KAPLAN LLP  
800 LaSalle Avenue, Suite 2800  
Minneapolis, MN 55402

Telephone: 612 349 8468  
Facsimile: 612 339-4181  
*Counsel for Defendants*  
INVT SPE LLC  
INVENTERGY GLOBAL, INC.

/s/ Jason D. Cassady  
Jason D. Cassady (*pro hac vice*)  
jcassady@caldwellcc.com  
CALDWELL CASSADY & CURRY  
2121 N. Pearl Street, Suite 1200  
Dallas, TX 75201  
Telephone: 214 888-4841  
Facsimile: 214-888-4849  
*Counsel for Defendant*  
IXI IP, LLC

/s/ James J. Foster  
James J. Foster  
jfoster@princelobel.com  
PRINCE LOBEL TYE LLP  
One International Place, Suite 3700  
Boston, MA 02110  
Telephone: 617 456-8022  
Facsimile: 617 456-8100  
*Counsel for Defendant*  
UNILOC 2017 LLC

/s/ Daniel. R. Shulman  
Daniel R. Shulman (*pro hac vice*)  
dan@shulmanbuske.com  
SHULMAN & BUSKE PLLC  
126 North Third Street, Suite 402  
Minneapolis, MN 55401  
Telephone: 612 870 7410  
*Counsel for Defendants*  
UNILOC LUXEMBOURG S.A.R.L.  
UNILOC USA, INC

/s/ Dean C. Eyler  
Dean C. Eyler (*pro hac vice*)  
dean.eyler@lathropgpm.com  
LATHROP GPM LLP  
500 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: 612 632-3335  
Facsimile: 612 632-4000  
*Counsel for Defendants*  
UNILOC LUXEMBOURG S.A.R.L.  
UNILOC USA, INC

/s/ Samuel F. Baxter  
Samuel F. Baxter (*pro hac vice*)  
sbaxter@mckoolsmith.com  
John Briody (*pro hac vice*)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

jbriody@mckoolsmith.com  
MCKOOL SMITH  
104 East Houston, Suite 100  
Marshall, TX 75670  
Telephone: 903 923-9001  
Facsimile: 903 923-9099  
One Manhattan West  
395 9th Avenue, 50th Floor  
New York, NY 10001-8603  
Telephone: 212.402.9438  
*Counsel for Defendant*  
SEVEN NETWORKS, LLC

**ECF ATTESTATION**

I, Olivia Lauren Weber, am the ECF user whose ID and password are being used to file DEFENDANTS' L.R. 7-3 STATEMENT OF RECENT DECISION IN SUPPORT OF DEFENDANTS' JOINT MOTION TO DISMISS AND TO STRIKE THE AMENDED COMPLAINT. I hereby attest that I received authorization to insert the signatures indicated by a conformed signature (/s/) within this e-filed document.

By: /s/ Olivia Lauren Weber  
Olivia Lauren Weber